

VIRGINIA—MECKLENBURG COUNTY.

MEMORIAL

OF

INHABITANTS OF MECKLENBURG COUNTY,

IN THE STATE OF VIRGINIA,

AGAINST

AN INCREASE OF DUTY ON IMPORTED GOODS.

JANUARY 2, 1828.

Referred to the Committee on Manufactures.

WASHINGTON :

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1828.

MEMORIAL.

The Memorial of the citizens of Mecklenburg, Virginia, to the Senate and House of Representatives of the United States :

Deeply impressed with the magnitude of their undertaking, and the dignity of the tribunals to whom they appeal, your memorialists approach your honorable bodies with emotions of mingled diffidence and respect. The stability of Government, and the interests of society, admonish us of the necessity of subordination, and inculcate the doctrine of an affectionate attachment to the established institutions of our country ; yet, it is the unquestionable right, if not the bounden duty, of every citizen, freely and unreservedly to communicate to Government the real grounds of his serious complaints ; never withholding a generous confidence that relief will be administered, when the reality of his sufferings is made manifest to those entrusted with the great interests of the community. The right of petitioning, the legacy of our forefathers, is secured by the imperishable provisions of the Constitution. The duty of protecting our absolute rights, is laid in the deepest foundations of society ; inheres in the very nature of man ; constrains him to encounter the most formidable difficulties, and heroically to brave the most perilous emergencies, whenever those rights are despised or assailed. That people must be degenerate, indeed, utterly unworthy the blessings of freedom, utterly unworthy the glorious Government erected to perpetuate the liberties of America, who would tamely and passively surrender their rights, with a meanness of spirit disgraceful to themselves, and wholly ruinous to the hopes of their descendants. To secure the satisfaction of self-respect, and to satisfy the just demands of posterity, your memorialists deem it their bounden duty to exert the utmost energies of their nature to preserve their rights, untarnished and undiminished, as secured by the blessed Constitution of their country, and prescribed in the eternal principles of justice. If they find, in the conduct of those entrusted with the execution of the laws of the land, a disposition entirely to disregard their interests, to trample on their rights, and prostrate their hopes, they will frankly announce their grievances to their country, in the confident expectation of prompt relief ; or, if they find the Government pursuing a policy destructive of their vital interests, and subversive of their dearest rights, they will, with a spirit of respectful firmness, urge their complaint to the guardians of their liberties.

In surveying the operations of the Federal Government, the act of Congress, usually denominated the tariff law, passed on the 22d of May, 1824, rises to the view, and fixes the attention of your memorialists; not less by its baneful effects on commerce and agriculture, than the hideous aspect under which it is introduced. Not content to pass a law intended to drain the fountains of our wealth, and render us tributary to the mean spirit of monopoly, the advocates of this odious system have blazoned to the world their invidious purpose of protecting domestic manufactures against the competition of foreign fabrics, so as, in a great degree, to secure to the American manufacturer a monopoly of the home trade for consumption. That such a purpose should have been avowed, is scarcely less astonishing, than that such a system should have been adopted. There is not, perhaps, in the whole Confederation a State which has not denounced the principle of monopoly; and it was confidently hoped that it was without an advocate among the politicians of America. The theory of Government, as inculcated in this country, is based on the equal rights of man, and practically established in all the Constitutions adopted by the people of the Confederate States. The Constitution of the Federal Government itself has recognised the validity of this theory, and, with much solicitude, attempted its reduction to the practical operation of governmental affairs. The absolute right of private property is regarded, too, with peculiar tenderness, and perpetually established by constitutional provisions. Not content with the safeguards in the Constitution, as originally recommended by the Convention, our ancestors thought it of sufficient importance to justify the adoption of a special amendment, specifically establishing the sanctity of the right, and declaring that private property should not be taken, even for public use, without just compensation to its owner. Yet, regardless of the operation of this great principle, universally recognised by the American People, the Congress of the United States has passed an act avowedly for the purpose of protecting domestic manufactures, which, by securing to them a monopoly of the home market, constrains the consumer to purchase their commodities at a price far exceeding their natural value; a price exceeding that for which they would be purchased, if brought into fair competition with the fabrics of foreign manufacture; thus enabling the American manufacturer to demand of the American consumer a portion of his property greater than the value of the goods given in return, or above what would be demanded for the same, or goods of equal value, were the freedom of trade judiciously restored; which is to enable one class of society to take the property of another, without rendering just compensation; a regulation, regarded by your memorialists as a gross violation of the right of property, and a palpable infraction of the sacred principle of universal equality of rights among men.

Your memorialists are inspired with alarm and concern by the pretexts under which it is claimed for the Government to violate their just and natural rights. To effect certain specific, specified purposes, contemplated and enumerated by the framers of the Constitution,

Congress was vested with "power to lay and collect taxes, duties, imposts, and excises," together with several other enumerated powers, none of which, except, perhaps, the "power to regulate commerce," are supposed in any manner to refer to the subject of protecting domestic manufactures, and none of which are claimed to have such reference. The objects of the framers of the Federal Constitution are enumerated in the preamble to that instrument; and the powers granted by the instrument are delegated to accomplish those specific purposes. There was an express enumeration of the purposes for which the Federal Government was organized, and an express enumeration of the powers granted as necessary to effectuate those specific purposes; and these powers cannot be rightfully exercised to accomplish an object not embraced in the enumeration: but in that enumeration no allusion is made to the subject of protecting domestic manufactures, nor indeed is such an allusion to be found in any part of the sacred instrument. Hence, Congress have no right to "lay and collect taxes, duties, imposts, and excises," for the purpose of protecting domestic manufactures. The concern of your memorialists is converted into consternation by the pretence that this power is derived to Congress by the introduction of the clause "to provide for the common defence and general welfare." A clause intended to limit the exercise of the power "to lay and collect taxes, duties, imposts, and excises," to subjects of general interest to all the States, is seized on as a distinct, substantive grant of power, conveying to Congress an unlimited commission to see that the Commonwealth sustain no harm. The arduous efforts of our patriotic forefathers to establish a limited, responsible Government, composed of confederated, independent, neighboring nations, vanish into mere illusive phantoms of the imagination; and we have, in its stead, an unmixed, unlimited despotism, vested with full and boundless authority to exercise its ample, infallible discretion in promoting the general welfare of the *grand consolidated Republic of America*. Your memorialists deem it their bounden duty to protest, in the most earnest, solemn manner, against any other interpretation of the terms "general welfare," as introduced in the 1st article and 8th section of the Constitution of the United States, than as a limitation of the power "to lay and collect taxes, duties, imposts, and excises," fixing the exercise of such power to objects of general interest to the States, reserving all local, particular interest to the jurisdiction of "the States respectively, or to the People."

The right of protecting domestic manufactures has been claimed under the clause which gives to Congress "the power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes;" but your memorialists are at a loss to determine how "the power to regulate commerce" conveys that of protecting domestic manufactures. Phrases so entirely dissimilar, cannot, by any fair construction, be interpreted as synonymous, and the powers themselves being substantive and determinate, cannot both have been conveyed by the use of either phrase: commerce, being the inter-

change of commodities, implies only the *exchange* of one thing for another, between different individuals or nations; domestic manufactures are local establishments, founded for the *production* of commodities, and the phrase implies no *exchange* at all. The term "commerce" associates a general idea of *trade*. The term "manufactures" associates the idea of permanent *local foundations*. Yet the argument which would derive the power "to protect domestic manufactures," from the clause "to regulate commerce," renders those phrases substantially synonymous. The power, too, to regulate commerce was granted with a view to its perfection. Yet the policy of the American system is by no means the advancement of commercial interests; its object is to stifle foreign trade. And to derive the power to protect domestic manufactures from the clause "to regulate commerce," is to establish the paradoxical proposition, that it is the same thing to perfect and to destroy.

Your memorialists are aware that beneficial results are said to be anticipated by the friends of this system. That it is said to be expected that the American fabric will, in time, come to the consumer at a rate cheaper than could be afforded by the manufacturers of Europe. And that this is said already to have occurred in relation to several of the coarse articles. They are likewise aware of several circumstances which conspire to secure to the American manufacturer some advantages over those of Europe engaged in producing several species of manufactures. In rearing the coarse and simple fabrics, which require neither a great accumulation of capital, nor a great extent of complicated machinery, and in which the raw material constitutes a considerable portion of the price of the commodity, the American manufacturer, who can procure the raw material at home, saves its freight from some distant port, avoids the payment of heavy European duties, and must enjoy a considerable advantage over those who have to incur those expenses in addition to the freight of the manufactured commodity from the ports of Europe to those of America; besides those legitimate American duties, imposed for the legitimate purposes of revenue, which will ever be borne with the greatest alacrity by the liberal and magnanimous People of America.

These are natural, legitimate advantages, rightfully enjoyed by the American manufacturer; having their full and natural effect, independent of the interposition of the Government; and the full and natural effect of which cannot be augmented by governmental interference. True, that additional, unnatural, and arbitrary advantages may be secured by unnatural and arbitrary legislation; but the effect of these circumstances remains the same, unaltered and unalterable. These circumstances, too, can affect but a portion of the articles of American consumption, and even as relates to that portion, your memorialists entertain considerable apprehension that the anticipations of the friends of the system are founded in the most fallacious reasonings. The vast accumulation of European capital, the vast extension of European machinery, the great density

of European population, and consequent cheapness of European labor, are circumstances which, in the apprehension of your memorialists, are likely to preponderate over all the natural advantages of America. And your memorialists candidly confess that their apprehensions are confirmed by the fact that the American manufacturers, with all the adventitious advantages resulting from the law, entitled "An act to regulate commerce," far from ease in their present situation, are seeking an augmentation of duties in the ports of the Union. Why ask protection against those whom they profess to be able to meet in a market of fair competition? Why not hush the clamors of the malcontents, by repealing the system, so far at least as it is useless to the manufacturers themselves?

But suppose the American manufacturers may, in time, furnish their fabrics cheaper than they could be imported from Europe, it does not hence necessarily follow that the ultimate advantage will compensate the consumer his present and certain loss: for none can accurately calculate the proportion which the future benefit is to bear to the immediate loss. Nor does it hence necessarily follow that the aggregate interests of society will be advanced by the greatest success to which the manufacturers may attain. True that, by the operation of this system, the particular interests of the manufacturing class may be most unnaturally advanced; or perhaps the expression may be rendered more just if made to refer exclusively to the art, without allusion to the pecuniary interests of the class. But to whatever eminence they may reach, it must be at the expense of all other classes of American citizens, who, for the elevation of the manufacturing class, are doomed to contribute an inordinate proportion of the proceeds of their labor in return for the domestic fabric. The object of the act of May, 1824, is to secure to the manufacturing class inordinate profits, to be paid by their countrymen, and thus to induce American capital to flow in a channel in which it would not otherwise be employed. If the natural advantages of the manufacturing class were sufficient to induce this investment of capital, the act of 1824 would be unnecessary, since that would be done independent of the act which it proposes to effect, and the necessity of passing such an act demonstrates the insufficiency of the natural advantages of American manufacturers. The obvious and intended effect of the law is to enable the manufacturers to demand of the American consumer greater profits than could otherwise be obtained. The profit secured by the act is paid entirely by American citizens, and it is for the sake of this profit that such an investment of capital is made. The elevation, then, of the manufacturing class is effected by a contribution from all other classes of American citizens, extorted by means of the monopoly of the home market, established by the act of 1824. And should the American supply, in future, cheaply furnish the American market, it will be by means of the wealth of all other classes, accumulated in the hands of the manufacturers. The American consumer will be cheaply supplied by means of his own wealth previously confiscated and transferred to another. It would seem to your memorialists to be difficult

to demonstrate, that the general wealth of the nation is advanced by forcing all other classes of society to support the manufacturers in such a state of affluence as to enable them to sell their commodities cheap.

But is not the general wealth of society impaired by the operation of this system? It occasions capital to be invested in manufactures for the sake of the profit derived from the monopoly of the home market. This profit is entirely unnatural, not secured by any effort of industry, but by the arbitrary operation of law. It is extorted, too, from American citizens. It is not proposed by the system to secure to the domestic manufacturer any advantage derived from foreign sources. Foreign labor or foreign capital is not expected to pay the profits of his stock. They are to be derived from the advanced price which he may demand for his commodities in the home market, in consequence of the monopoly established in his favor against all other classes of his countrymen. But for the profits thus enjoyed, exclusively at the cost of American citizens, he could not afford thus to employ his capital. It would be employed, as it was before the passage of the law, in some other more profitable branch of trade. The effect of the law is to divert capital from those branches of trade where it was profitably employed, to the support of domestic industry in those branches of trade where it must be sustained by reluctant contributions from all other classes of American citizens. By this system the interests of society have no other resource than domestic industry. No reliance is placed on foreign trade, foreign labor, or foreign capital. These sources of wealth, so precious to other nations, are wholly valueless to America. The countless variety of American products may be more advantageously consumed at home than bartered for the products of distant climes. The whitening sail of American navigation shall no more gladden the distant port. The expiring wake of American commerce shall be no more traced on the trackless main. Domestic industry is the source of our wealth and happiness. Yet the capital of the nation is to be withdrawn from the support of profitable domestic industry to the support of unprofitable domestic industry. And the national wealth is to be augmented by the magical operation of a monopoly granted the American manufacturers against all other classes of their countrymen, compelling all other classes of domestic industry to support the manufacturing class of domestic industry. To your memorialists it would seem to be nearly self-evident that the aggregate interests of society are impaired by compelling all other classes to support, in a situation in which it could not support itself, a class which might be otherwise advantageously employed.

Your memorialists feel more solicitude on the subject of the tariff, from the settled conviction of their minds, that the expectations of the manufacturers can only be satisfied by a frequent recurrence to the miserable expedient of increasing the duties on imported fabrics; each instance bringing additional calamity, and steeping us more deeply in the miseries of taxation. The profits of stock, in process of time, must be accommodated to the existing state of

things, and will approximate to something like equality, in despite of the arbitrary operation of law. The general revenue of society may be seriously affected, but time will effect a proportionate distribution among the several classes of society. The advantages of any particular class, whether natural or arbitrary, if sufficient to secure disproportionate emoluments, must soon attract other capitalists from the vocations in which their destinies may have thrown them. They will abandon those vocations which afford a moderate revenue, and betake themselves to such as are more lucrative, without examining whether those are natural or artificial advantages, of which they are about to avail themselves. Each recruit increases the competition, and reduces the profits of his adopted class, till it finds the general level of the profits of stock. Those accustomed to large profits are not easily reconciled to moderate. Those accustomed to artificial advantages, will recur to the fatal artifice; and the sinking profit of the manufacturing class must be sustained by the "American system," as the sinking pulse of the dying toper is supported by the poison which has brought him low. But, the fatal moment must at last arrive, when artificial excitements can no longer sustain the vital principle, and all must mingle in the general ruin. Even the manufacturers must be consumed by the desolation which overwhelms their countrymen.

But, should the reflections of your memorialists be wholly delusive—should Congress be truly authorized to oppress one portion of the citizens of the Union for the aggrandisement of another—should they undeniably possess the right to control the local affairs of each State; or, should the manufacturers prosper on the misery of their fellow-citizens, and derive a fœtid luxuriance from the ruin of their country: or, should even the national wealth be augmented by the operation of the "American system;" yet, your memorialists feel amply justified in their solemn remonstrance against the crying and cruel injustice of a reckless and ruthless sacrifice of themselves, to the sordid, insatiable avarice of others. The generous spirit of an American citizen can but illy brook the degrading reflection—and we most earnestly conjure your honorable bodies not to confirm us in the maddening apprehension—that we are to be retained as mere tributaries to the favorites of Government. Far, far be it from us to assume an attitude of menace: we mean rather to suffer whilst evils are sufferable. We are devoted to the union of these States, and forever dedicated to our country's good. But the fulcrums of Government are the *affections* of the People. The stability of Government must rest on the *heart* of the citizen. Even patriotism should not be abused, as the strongest affections, at the dissolution of the charm, are converted into the bitterest hate. No government may lightly disregard individual rights, nor safely despise the eternal principle of universal justice.

So far, then, from recommending, or assenting to, the passage of the bill offered to Congress at its last session, usually denominated the "Woollens Bill," your memorialists hope to be sustained in the

respectful expression of their wishes that the whole system may be judiciously abandoned, and every freeman of the land left to the full and untrammelled exercise of his sagacity in determining on the most advantageous employment of his labor and his capital. Let invidious distinctions be done away—let justice prevail, and your memorialists will mingle their ceaseless prayers for the blessings of Heaven on the perpetuity of the Union.